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ISSUANCES

of the
Meat and Poultry Inspection Program

October 1975



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UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250

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**ISSUANCES
of the
Meat and Poultry Inspection Program**

This publication contains selected CFR amendments, MPI bulletins, and MPI directives; changes to the Meat and Poultry Inspection Manual; and changes to the Meat and Poultry Inspection Regulations. It is published monthly by the Issuance Coordination Staff, Technical Services, and is available, upon subscription, from the U.S. Government Printing Office.

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IMPORTANT: About the Directory

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October 16, 1975

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, DC 20250

MPI BULLETIN 75-148
10/14/75

ACTION BY: Inspectors in Charge, Food Inspectors, and Plant Management

INFORMATION FOR: Regional Directors, Area and Circuit Supervisory
Personnel, Interested Parties

Labeling of proprietary mixtures

This bulletin identifies the policy of the Meat and Poultry Inspection Program (MPI) for the labeling on containers of spices, seasonings, breadings, and similar nonmeat or nonpoultry products entering official plants. These products are referred to as "Proprietary Mixes or Mixtures."

The Food and Drug Administration (FDA) requires that a proprietary mixture moving in commerce be labeled with the product's name or code, manufacturer's or distributor's name and address, net weight statement, and ingredient statement which may group spices under the term "spices" and flavorings under "flavorings."

When these mixtures enter official plants, MPI requires that in addition to the FDA requirements the identity of the ingredients in such mixtures be sufficient to assure that (1) the meat and/or poultry product formulations are accurate, (2) the meat and/or poultry product labels reflect all required ingredients, and (3) restricted ingredients are used according to regulations. To accomplish this, a proprietary mix label must show individual percentages of each restricted or high protein ingredient; i.e., hydrolyzed vegetable protein, monosodium glutamate, mustard, corn syrup or corn syrup solids, etc. Other ingredients need not be listed by percentages. Spices may be listed under the term "spices" and spice extractives may be listed under the term "flavoring" except that spices or flavorings which are also colorants (paprika, turmeric, and saffron) must be identified by their individual name or as "spice and color" or "flavoring and color," whichever the case may be.

Donald G. Hanston
ACTING DEPUTY ADMINISTRATOR
MEAT AND POULTRY INSPECTION PROGRAM

DISTRIBUTION: A-O, P,Q,S,T, U,U-2 (In Issuances)	CATEGORY: F-labeling	REGS: 317 Subpart N MANUAL: Part 17	OPI: STS-PS
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UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250



MEAT AND POULTRY INSPECTION MANUAL

CHANGE: 75-10

Maintenance Instructions

October 1975

Remove Page	Numbered	Insert Page	Numbered
13 and 14	Unnumbered	13 and 14	Change 75-10
77	Unnumbered	77, 78, and 78a	Change 75-10
78	Change 15		
133 and 134	Unnumbered	133, 134, 135,	Change 75-10
135	Change 8	and 136	
136	Unnumbered		

Pen-and-Ink Changes

Page 112, section 17.2(c)(2), lines 12 and 13, cross off "area supervisor for transmittal to."

(ii) Management's responsibility.

A designated plant employee will:

1. Keep a file of all temperature records or recording charts--identified by date, product, and piece number.
2. Inform the inspector at least 24 hours in advance of product to be cooked and/or smoked.
3. Hold smoked or cooked product until released by the inspector.
4. Satisfactorily present product or raw materials for inspection.

(iii) Inspector's responsibility.

The inspector shall:

1. Once or twice a week (limited inspection), spot check processing times and temperatures, procedures, and operational sanitation.
2. Require establishment to weigh sufficient samples of products to verify proper shrink, if applicable.
3. Examine physical characteristics of finished product to verify adequate processing.
4. Temporarily check a process if apparent or suspected temperature violations have occurred (e.g., a change in processing procedure, equipment, or plant personnel).

(4) Rendering. Fats of all species may be rendered even though antioxidants are used, provided the establishment maintains all records and inventories on antioxidants, all raw fats are acceptably presented for inspection, and rendered fats are available for reinspection and/or laboratory sampling.

(5) Refining. Animal fats and oils may be refined, blended, hydrogenated, and deodorized, provided:

1. Products for processing are acceptably presented for inspection.
2. Sufficient finished product is available for random sampling.
3. Plant's compliance history is acceptable to RD.
4. Management maintains meaningful records showing raw product and

finished product inventories.

(6) Grinding. Grinding that is incidental to cutting and wrapping of customer owned swine and beef carcasses or parts thereof is permitted if (1) operations are designated by the area supervisor as limited based on production or number of employees; (2) product is distinguishable by appearance from other product in the plant and is limited to fresh pork sausage, ground beef and/or hamburger prepared without additives except for permitted seasonings, spices, and flavorings; (3) only those source materials described above are used and they are available for inspection before grinding; (4) ground product is available for inspection before removal from the plant. *

6.22 MINIMAL INSPECTION

Unannounced visits to plant(s) and/or department(s) are required at least every two weeks during designated production activities.

(a) Meat and Poultry Operations

(1) Packing, shipping. Properly marked meat and poultry products may be packed into shipping containers bearing marks of inspection and may be shipped.

(2) Canning-retorting, labeling. Canned product may be retorted, provided the inspector observes placing of cans in retorts, knows that steam pressure is applied, cans are properly coded, and labeled cans are available for inspection the following day.

(b) Meat Operations

(1) Carcass breaking. Breaking carcasses into primal parts is permitted, provided they are previously identified to the inspector.

(2) Bone digesting. The inspector must examine the product for wholesomeness before operation.

(3) Smoking, cooking, rendering.

(i) No label or temperature restrictions. These operations are allowed, provided: trichinae control restrictions are not applicable; label restrictions are not determined by cooking or smoking; products or raw materials are presented for inspection before operations; finished product is available for reinspection.

Products involved but not limited to these operations are: frankfurters, pastrami, various loaves, scrapple, chili, lard, etc.

(ii) Label or temperature restrictions. Smoking and/or cooking operations for product requiring label or trichinae temperature control may be conducted, provided:

1. Sufficient thermocouples are used to measure product temperature in various places within the smokehouse.

2. One or more thermocouples are in the smokehouse to record its temperature.

3. Recording chart has military time print with intervals of 15 minutes to correlate time element with temperature readings.

4. Each thermocouple reading on the chart is clearly identifiable by number, color, or shape.

5. Chart is marked by each thermocouple at intervals not greater than once every 72 seconds. This should clearly identify variations due to opening doors and changing thermocouple location.

6. Door enclosing the recording chart has facilities for sealing with official seals.

7. Product's name, date, and smokehouse identification are shown on recording charts, retained by establishment, but available to the inspector.

8. Inspector is present to observe thermocouple insertion into product, to seal recording devices, and to observe initial markings on the chart.

9. After smoking or cooking, product is held until released by the inspector.

6.23 ASSIGNMENT

Minimal and limited inspection shall be done by assigned inspector; however, supervisors may perform additional "odd-hour" inspections.

Inspection intensity (for limited or minimal inspection) is as the one given to similar operations on normal assignment.

Limited or minimal coverage shall assure compliance with regulations, standards, and instructions.

Visits should be scheduled to prevent a definite pattern.

6.24 IMPROPER PROCEDURE: ACTION

When insanitary conditions or improper procedures are observed in a plant or department under limited or minimal inspection, they shall be corrected immediately and reported through supervisory channels to the regional office. The report will be kept on file and become evidence for possible inspection suspension.

(5) **Stick wound.** Stick wounds or portions of such wounds exposed to scald water or other contaminant must be trimmed during dressing operations and condemned. Other stick wounds must be opened for proper washing and removal of blood clots.

(6) **Anthrax.** When anthrax is detected on post-mortem inspection, the final inspector shall stop all slaughter operations, inspect and condemn dropped heads from detection point to head dropper, and require:

1. Stick wound trimming from detection point to sticker.

2. Preliminary clean up: (a) cleanse and disinfect knives, aprons, boots, and equipment contaminated with anthrax-infected material; (b) drain scalding vat, or heat water to boiling point; (c) with 180° F. water cleanse floors, benches and equipment contaminated by affected carcass; (d) cleanse and disinfect arms and hands of employees, who contacted infected material, as outlined in regulations (M-310.9).

3. General clean up and disinfection as required by regulations.

* (7) **Arthritis.** Joints with localized
* arthritis and corresponding lymph nodes
* shall be removed and condemned during
* dressing operations and before inspection
* is completed.

* Alternative. Hind feet with
* arthritic hock joints may be removed
* and condemned on porkcut, provided
* plant employees:

* a. During dressing operations and
* before inspection is completed, remove
* corresponding lymph nodes and identify
* affected hind feet on hanging carcasses
* by (1) making a horizontal
* incision through the skin below the
* hock joint, and (2) applying an
* approved dye to the affected foot.

* b. Segregate affected carcasses as
* separate lot in the cooler(s).

* c. At the end of porkcut operations
* and under inspector's direct supervision,
* cut segregated lot after removal

of all edible product which might
comingle with condemned hind feet. *

d. Clean and sanitize with 180° F. *
water or approved chemical sanitizer *
all equipment (saws, tables, conveyors, *
etc.) used for removing arthritic *
joints after cutting or immediately if *
such equipment becomes contaminated *
with synovial fluid or diseased tissue. *

Note: This alternative does not *
apply to carcass in which a hock *
joint is opened. *

(8) **Atrophic rhinitis.** Swine with atrophic rhinitis may have a characteristic nose disfiguration, absence of nasal turbinate bones, and small amounts of pus or catarrhal exudate in nasal sinuses.

The turbinates' soft tissues may be present, but they are folded against the nasal cavity wall since the supporting bony structure has disappeared. Abscesses or well circumscribed caseous necrotic lung lesions may be observed in old cases.

Since this condition is usually localized, head tissues can be removed without contamination and saved for food.

(9) **Cysticercosis.** Diagnosis of swine cysticercosis (*Cysticercus cellulosae*) or cases resembling such disease must be confirmed by laboratory.

When diagnosis is confirmed, all information about identification and origin of animal should be reported on Form ANH 2-11 to State veterinarian in charge and to appropriate State livestock sanitary official in State of animal's origin.

If animal's origin is determined, public health officials of the area should also be notified.

(10) **Iron injection.** Brown and/or yellow areas in muscles of swine hind-quarters, about 2 inches in diameter and often extending to the semitendinosus muscle, are lesions from

intramuscular injections of iron preparations. Such lesions may most often be detected during ham slicing.

All affected tissues shall be removed and condemned.

(11) **Sexual odor.** Carcass disposition shall be according to regulations (311.20).

Boneless pork meat, from carcasses passed for use in comminuted cooked product or rendering, may be shipped without restriction in containers with labels including inspection legend and a statement such as "boar meat for use in comminuted cooked product only."

Carcasses or bone-in cuts may be shipped under restriction (325) to other federally inspected plants for boning, packaging and labeling, or for use in comminuted cooked product.

(12) **Tuberculosis.** Final inspectors must incise and observe all body lymph nodes of carcasses retained for tuberculosis.

Exception! (1) Incision of body lymph nodes may be omitted when lesions are in lymph nodes of head and mesentery only. (2) Prescapular lymph nodes' incision may be omitted when prepectoral lymph nodes and thoracic pleura have no lesions. (3) Incision of prefemoral lymph nodes may be omitted when superficial inguinal, sublumbar, and iliac lymph nodes show no lesions.

When laboratory assistance is needed to determine swine carcass disposition, send specimen with Form MP 23 to MPI laboratory. For reporting procedures, see section 21.4(d).

(m) **Horses**

Tongue's stain, laceration. Dark stains, frequently seen on tongue's dorsal surfaces, and lacerations from teeth shall be trimmed.

responsible for disposition accuracy.

Under close veterinary supervision, food inspectors may condemn poultry carcasses, parts or organs obviously unwholesome or unfit for human food. Any carcass showing signs of an abnormal physiological state not designated as obviously condemnable shall be retained for the veterinary inspector, who will make a professional judgment on the disposition as required by regulations. If condemnation is necessary, he will record it on MP Form 514.

(b) **Disposition Guide**

Wholesome carcass--pass for food.

Unwholesome carcass--condemn carcass and viscera.

Unwholesome organs--condemn affected organs and pass carcass.

Dressing defects, localized abnormality--require trimming to correct dressing defects, removal of part(s) affected by tumors, and severely damaged members (leg, wing, etc.).

Loss of carcass-viscera identification. Carcasses presented for inspection with missing viscera are to be condemned except as follows:

1. When only parts of the viscera set are missing, action will be dependent upon the instructions of the inspector in charge.

2. Upon request of the establishment to the inspector in charge, carcasses with missing viscera will be retained. These will be lotted by the establishment with the corresponding pooled collection of detached viscera. The carcasses will be disposed of as a passed or condemned lot under the direction of the inspector in charge according to the following procedures and restrictions:

a. All missing viscera must be present in the pooled collection.

b. Identity of viscera and corresponding carcasses must be maintained insofar as the lot is concerned.

11.6 POULTRY

* (a) **Carcass Disposition**

* Veterinary inspectors in charge are

Change 75-10

- * c. The lot will be released if
- * lesions are not observed in the pooled
- * viscera which, in any possible combi-
- * nation, would warrant condemnation of
- * any carcass.
- * d. A sanitary nuisance is not
- * created.
- * e. All carcasses in the lot will be
- * condemned if any of the requirements
- * in a through d are not fulfilled.
- * 3. Establishments may choose any
- * lot size it deems appropriate. Except
- * for the matters described in (2) above,
- * MPI's responsibility is limited to
- * honoring requests to examine prepared
- * lots.

* **(c) Inspector's Helper**

To maintain a good production rate, one properly trained plant employee shall be designated for each inspector to: (1) trim off abnormalities (bruises, contamination, etc.) as directed by inspector; (2) remove from line and place condemned birds or parts in cans; (3) mark inspector's worksheet (Form MP 514); (4) pick missed feathers; (5) assist as much as possible to allow inspector to devote his full attention to post-mortem inspection.

THE REVERSE OF THIS PAGE IS INTENDED TO BE BLANK.

Change 75-10

oils, disodium inosinate, disodium quanylate, hydrolysates of animal or plant origin such as gelatin, hydrolyzed vegetable protein, hydrolyzed plant protein, soy products, or combinations of these materials--are not acceptable for entry into an official establishment for use when premixed or blended with nitrites and/or nitrates. Such mixtures without nitrites or nitrates or those which include separate and distinctly identified packages of nitrites and/or nitrates in their containers are acceptable. This restriction does not include curing compound premixtures or blends of nitrites and/or nitrates with salts, sugars, corn syrup solids, and monosodium glutamate.

All materials should be enclosed in sanitary containers bearing name and address of manufacturer or other qualifying phrase if other than the manufacturer, such as "manufactured for," "packed for," or "distributed by."

- * All approved substances listed in the
- * regulations (318.7 and 381.147) and
- * other nonmeat/nonpoultry items used
- * as ingredients of meat or poultry
- * products must be food grade types.
- * They should be identified as "Food
- * Grade" or "FCC" (Food Chemical Codex)
- * on their containers, or be accompanied
- * by a supplier's letter of guaranty.
- * Egg and/or milk products shall be
- * handled as outlined in 18.20(c).
- * Items identified as "FDA Certified,"
- * or as having been prepared in USDA
- * approved plants and nonfood items, such
- * as anti-caking agents, filter aids,
- * dry ice, artificial casings, and
- * similar products, need not be marked
- * "Food Grade" nor be accompanied by
- * a letter of guaranty.

(b) Suppliers' Guaranty

Letters of guaranty are required to assure that proper food ingredients are used in meat or poultry products.

The guaranty is referenced in Section 303(c) of the Food, Drug, and Cosmetic Act. Definitions and suggested forms are contained in FDA

regulations (21 CFR 1.5).

A guaranty may be:

1. Limited to a specific shipment or delivery of an article in which case it may be part of or attached to the invoice or bill of sale, such as:

"(name of person or company giving the guaranty) hereby guarantees that no article listed herein is adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act."

(Signature and address of responsible person)

2. General and continuing, such as:

"The article comprising each shipment or other delivery hereafter made by (name of person or company giving guaranty) or on the order of (name and address of person or company to whom the guaranty is given) is hereby guaranteed as of the date of such shipment or delivery to be, on such date, not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act."

(Signature and address of responsible person)

3. Master continuing. A multiplant *
firm may keep a master continuing *
guaranty file and give each plant an
updated list of suppliers, provided
such procedure is authorized by FO.

(1) Responsibility. *

(i) Plant. A guaranty does not *
relieve the plant from its responsi- *
bility of examining food ingredients
to assure they are wholesome, nor from
subjecting them to further cleaning,
washing, or otherwise preparing them
according to good commercial practices.

(ii) Inspector. He shall assure *
that the plant adheres to all require- *
ments. If a limited guaranty is used,
he shall verify approximately every 2
weeks that 10-20 randomly selected
lots are covered by a guaranty.

If required letter of guaranty is
not produced, items not properly
covered will be retained. Subsequent

lots of nonmeat or nonpoultry items shall also be retained until the plant demonstrates compliance. Regular monitoring is to be resumed when the inspector is satisfied that the plant is complying with requirements.

* * *

*** (c) Egg and/or Milk Products**

* **(1) Egg products.** A letter of guar-
* anty is required for shell eggs. Other
* egg products must be USDA inspected for
* wholesomeness and carry marks as in
* Figure 18.1.

Plant number may be within shield
or printed elsewhere on the container.
If pressure-sensitive labels are used,
the number must be within the shield.



Figure 18.1

* **(2) Dry milk products.** Dry milk
* products such as nonfat dry milk (NFDM),
* whole milk, buttermilk, whey, calcium
* reduced skim milk, and dairy blends of
* any of the above, identified as USDA
* inspected or sampled, are acceptable if
* any one of the following are met:
* a. Each container is stamped with
* one of the inspection marks shown in
* Figures 18.2 and 18.3.
* b. Each container is identified with
* a currently listed Approved Dairy
* Plant number along with the name and
* address of the plant or the name and

address of the distributor.

c. Distributor provides a certificate issued by the Dairy Division, AMS, which identifies the product by code stamped on each container, product composition and quality, and number of containers it covers.

d. Each container is identified by the code of a currently listed Approved Dairy Plant (by State and plant number), along with a product name or code.

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Figure 18.2

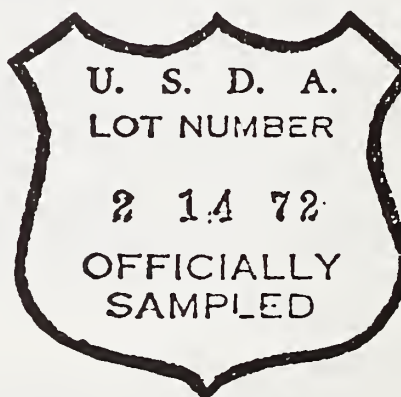


Figure 18.3

(3) Whole milk, products with milk or eggs. Whole milk, butter, margarine, cheese, sodium caseinate lactose, other dairy product derivatives and manufactured items such as

* premixes (for batters, gravies, and
* breadings) or noodles and macaroni
* that may contain milk or egg products
* shall be handled as in (1) and/or (2)
* above, or be accompanied by a letter
* of guaranty.

*** (d) Examination and Sampling**

* The inspector will examine incoming
* shipments of nonmeat and nonpoultry
* items and sample such items if he sus-
* pects insect, microbiological, or
* chemical contamination, or when
* requested by RD.

* When visual examination or sample
* findings reveal unacceptable condi-
* tions, those items shall be immedi-
* ately rejected from use. If such
* items were accompanied by a letter of
* guaranty or identified as USDA
* inspected, the appropriate authorities
* shall also be notified of the
* conditions.

* * *

*** (e) Miscellaneous Items**

* **(1) Anticaking agents.** Approved
salt, cures, or seasonings containing
anticaking agents up to 2 percent,
singly or in combination, may be used
in meat and poultry products. Such
agents are tricalcium phosphate,
tetrasodium pyrophosphate, calcium
carbonate, magnesium carbonate,
calcium stearate, silica gel, calcium
alumino-silicate, calcium silicate,
magnesium silicate, sodium alumino-
silicate, sorbitol, glycerol (glycerin)
or propylene glycol.

Salt with less than 13 ppm of yellow
prussiate of soda (sodium ferrocyanide
decahydrate) is also acceptable.

Container labels must show the
presence of anticaking agents.

When salt, seasoning, or curing
mixtures containing anticaking agents
are used in product, such agents need
Change 75-10

not be shown on product label.

The above anticaking agents shall
not be used as such in meat food
products.

(2) Vegetables.

(i) Storage. Raw vegetables should
be stored in suitable separate rooms.
Suitable facilities for preliminary
preparation of vegetables for use
in product should be provided in a
location separate from processing
areas.

(ii) Handling. Handle vegetables
without spreading dust or other
contaminants.

Thoroughly wash vegetables--celery,
potatoes, etc.--before cutting.

Raw vegetables may contain metal
scraps, nails, etc. These contami-
nants must be removed. Encourage
plant management to use magnets on
vegetable lines to detect them.

(iii) Lye solutions. They may be
used for removing vegetable's outer
surface or peel, provided lye is
completely removed before further
processing.

(3) Mustard. When mustard is used in
product with a water limitation, it
is restricted to 1 percent of finished
product because of its high protein
content.

(4) Spice Mixtures. They shall
provide not more than 0.35 percent
of protein by laboratory analysis.

(5) Preservatives. Preservatives--
sodium benzoate, benzoic acid or
sulfites--are permitted in products
only when incidental to other ingre-
dients such as candied fruit and
dehydrated vegetables. These inciden-
tal ingredients need not be declared
on the label.

(6) Salt; pickle. Salt or salt solu-
tions (pickle) contacting product
must be clean and free from extraneous

materials, including rock or slate particles. Recrystallized, vacuum-pan granulated salt, or salt with approved anticaking agents--tricalcium phosphate, calcium or magnesium carbonate--is acceptable.

Salt solutions for curing, defrosting, etc., shall be clear. Rock salt used for such solutions may contain only insoluble mineral matter--slate or rock particles.

Reuse of pickle. Pickle, including cover pickle, may be reused if clean, clear, and wholesome. Sanitary collecting equipment and efficient filtration should be available. All pickle lines should be of stainless steel or approved plastic. Those carrying salvaged pickle must be demountable for cleaning.

Facilities and equipment for storing and/or handling salt or salt solutions shall be kept clean and shall be so constructed to prevent contamination.

18.21 CONTROL

The inspector must monitor use of all materials which are approved for "specific use only." When a substance appears improper for use or altered from approved material, he should submit samples to the laboratory.

(a) Restricted Ingredients

Curing mixtures with sodium or potassium nitrite, or sodium or potassium nitrate must be clearly marked and kept under control of a responsible plant employee.

Establishments must avoid improper use of restricted ingredients--nitrites, nitrates, cereals, etc.--(see regulations).

Unless otherwise approved by MPI, one of the following procedures must be followed:

1. Each restricted ingredient is properly identified and individually weighed into separate containers in single batch formula amounts.

2. A mixture is prepared containing both restricted and nonrestricted

ingredients (excluding NFDM, cereal, soy products). "Single-batch" formula amounts of the mixture are weighed. Each container must bear (a) product name; (b) each ingredient listed in predominant order; (c) percent of restricted ingredients; (d) net weight of mixture and total weight of batch; (e) a statement including that "the plant certifies that a sample of the lot has been chemically analyzed, found acceptable and within label's limitation, and that "X" pounds of the mixture in "X" pounds of raw product will produce a finished product complying with regulations."

Source ingredients for any mixture shall be available for sampling before mixing. Finished mixture shall be available for verification sampling before use.

When verification samples indicate ingredients noncompliance, or when management neglects to follow above procedure, the inspector requests return to procedure in item 1.

- (1) **Calcium Caseinate.** Not approved for use in meat food products.

- (2) **Sodium Caseinate.** The importance of adulteration with sodium caseinate in sausage and meat loaves is due not only to the use of an unacceptable ingredient, but also to its high protein content which facilitates



UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D. C. 20250



MEAT AND POULTRY INSPECTION REGULATIONS

CHANGE: 75-10

October 1975

MAINTENANCE INSTRUCTIONS

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204	Change 75-7	204	Change 75-10
205	Change 75-7	205	Change 75-10
206	Change 11	206	Change 11

Page 203 of the meat inspection regulations was changed to correct typographical errors.

Pen-and-Ink Change:

On page vi of the Contents of the Meat and Poultry Inspection Regulations, delete "Room 102" from the address of the Western MPI Region.

Remove Page	Numbered	Insert Page	Numbered
SUBCHAPTER C - MANDATORY POULTRY PRODUCTS INSPECTION			
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35	Change 9	35	Change 75-10
36	Unnumbered	36	Change 75-10
43	Unnumbered	43	Change 75-10
44	Unnumbered	44	Unnumbered
45	Change 12	45	Change 75-10
46	Unnumbered	46	Change 75-10
49	Unnumbered	49	Unnumbered
50	Unnumbered	50	Change 75-10
101	Change 12	101	Change 75-10
102	Change 12	102	Change 12
103	Change 12	103	Change 75-10
104	Change 12	104	Change 12

Remove Page	Numbered	Insert Page	Numbered
107	Unnumbered	107	Change 75-10
108	Unnumbered	108	Change 75-10
<hr/>			
115	Unnumbered	115	Unnumbered
116	Change 75-7	116	Change 75-10
		116a	Change 75-10
<hr/>			
119	Change 75-7	119	Change 75-10
120	Change 75-7	120	Change 75-10

TITLE 9 - ANIMALS AND ANIMAL PRODUCTS

CHAPTER III - ANIMAL AND PLANT HEALTH INSPECTION SERVICE
(MEAT AND POULTRY INSPECTION)

DEPARTMENT OF AGRICULTURE

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trucks or receptacles to be marked in a conspicuous manner with the phrase "U.S. condemned" in letters not less than 2 inches high, and, when required by the circuit supervisor, to be equipped with facilities for locking or sealing;

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise;

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses may be conducted (competent assistants for handling retained carcasses and parts shall be provided by the establishment; final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts; they shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection; the floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise);

(h) Retention rooms, cages, or other compartments, and receptacles in which carcasses and product may be held for further inspection (these shall be in such number and in such locations as the needs of the inspection in the establishment may require; they shall be equipped for secure locking or sealing and shall be held under locks or official seals furnished by the Department; the keys of such locks shall not leave the custody of Program employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U.S. retained" in letters not less than 2 inches high; rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids; establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by Program employees);

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in this subchapter (tanks or other rendering equipment which, under the regulations in this subchapter, must be sealed, shall be properly equipped for sealing as specified by the regulations in Part 314 of this subchapter or by the circuit supervisor in specific cases);

(j) Docks and receiving rooms, to be designated by the operator of the official establishment, with the circuit supervisor, for the receipt and inspection of all products as provided in § 318.3 of this subchapter;

(k) Suitable lockers in which brands bearing the official inspection legend and other official devices (excluding labels) and official certificates shall be kept when not in use (all such lockers shall be equipped for sealing or locking with locks or seals to be supplied by the Department; the keys of such locks shall not leave the custody of Program employees);

(l) Sanitary facilities and accommodations as prescribed by § 308.4 of this subchapter.

§ 307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

Inspectors shall furnish their own work clothing and implements, such as flashlights and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 308.8 of this subchapter.

* § 307.4 Schedule of operations. *

* (a) No operations requiring inspection shall be conducted except under *
* the supervision of a Program employee. All slaughtering of animals and *
* preparation of products shall be done with reasonable speed, considering the *
* official establishment's facilities. *

* (b) A shift is a regularly scheduled operating period, exclusive of *
* mealtime. One lunch period is the only official authorized interruption in *
* the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, *
* 45 minutes, or in any case may not exceed one hour in duration. Once *
* established, the lunch period must remain relatively constant as to time and *
* duration. Lunch periods for inspectors shall not, except as provided herein, *
* occur prior to 4 hours after the beginning of scheduled operations nor later *
* than 5 hours after operations begin. In plants where a company rest break of *
* not less than 30 minutes is regularly observed, approximately midpoint between *
* start of work and the lunch period, and the inspector is allowed this time to *
* meet his personal needs, the lunch period may be scheduled as long as 5 1/2 *
* hours after the beginning of scheduled operations. *

* (c) Official establishments, importers, and exporters shall be provided *
* inspection service, without charge, up to 8 consecutive hours per shift during *
* the basic workweek subject to the provisions of § 307.5: Provided, That any *
* additional shifts meet requirements as determined by the Administrator or his *
* designee. The basic workweek shall consist of five consecutive 8-hour days *
* Monday through Friday, excluding the lunch period; except those plants *
* presently operating on an approved Tuesday through Saturday schedule shall *
* continue on this schedule until such time as a change in ownership occurs, or *
* they request and are granted a Monday through Friday work schedule; and *
* further, except in the designation of State programs, the Department may depart *
* from the Monday to Friday workweek in those cases where it would seriously *
* handicap the Department in carrying out its function. *

* (d) (1) Each official establishment shall submit a work schedule to the *
* area supervisor for approval. In consideration of whether the approval of an *
* establishment work schedule shall be given, the area supervisor shall take *
* into account the efficient and effective use of inspection personnel. The *
* work schedule must specify daily clock hours of operation and lunch periods *
* for all departments of the establishment requiring inspection. *

* (2) For single-shift slaughter plants, the plant operating schedules *
* shall not begin earlier than 4 a.m. nor terminate later than 6 p.m. Any *
* deviation from the approved starting time in excess of one hour shall be in the *
* form of an application for a revised schedule, submitted at least 2 weeks in *
* advance of the beginning of the affected pay period. Deviations not exceeding *
* one hour may be approved by the inspector in charge, with written notice to *
* the designated local representatives of the Federal inspectors. Frequent *
* deviations from the normal starting time shall not be approved. *

* (3) For multiple-shift slaughter plants, the plant operating schedule for *
* the first shift shall conform to the requirements for a single-shift plant. *

* Second shifts shall follow first shifts, with no more than a 3-hour break. *
* However, in no case shall the second shift start after 6 p.m. Assignments of *
* Program employees from one plant to another involving a change from a night *
* shift to a day or single shift, or vice versa, for relief purposes shall be *
* effected only in emergencies, and then only with the approval of the Regional *
* Director or one acting in that capacity. *

* (4) Establishments shall maintain consistent work schedules. Any request *
* by an establishment for a change in its work schedule involving an addition or *
* elimination of shifts shall be submitted to the area supervisor at least 2 *
* weeks in advance of the proposed change. Frequent requests for change shall *
* not be approved: Provided, however, minor deviations from a daily operating *
* schedule may be approved by the inspector in charge, if such request is *
* received on the day preceding the day of change. *

* (5) Requests for inspection service outside an approved work schedule *
* shall be made as early in the day as possible for overtime work to be performed *
* within that same workday; or made prior to the end of the day's operation when *
* such a request will result in overtime service at the start of the following *
* day: Provided, That an inspector may be recalled to his assignment after *
* completion of his daily tour of duty under the provisions of §307.6(b). *

* (e) Ante-mortem and post-mortem inspectors shall be limited to 10 hours *
* post-mortem inspection duty per shift, including company breaks and short *
* emergencies, usually of less than one-half hour duration, where the employee *
* remains on or near their duty stations. The ten hours do not include meal *
* times or long emergencies, usually greater than one-half hour, where the *
* inspectors are released from their duty stations. In addition, all Program *
* inspectors, including ante-mortem and post-mortem inspectors, shall be limited *
* to 12 clock hours total duty per shift, including mealtime, "housebreaks," and *
* emergencies. Program employees shall be off duty 12 consecutive clock hours *
* between shifts. *

* (f) When one Program employee is assigned to conduct inspection at an *
* establishment where few livestock are slaughtered, or a small quantity of *
* product is processed or certified (as determined by the Administrator), the *
* Administrator may designate the hours of the day and the days of the week *
* during which those operations requiring inspection may be conducted. *

* § 307.5 Overtime and holiday inspection service. *

* (a) The management of an official establishment, an importer, or an *
* exporter shall pay the Animal and Plant Health Inspection Service \$11.00 per *
* hour per Program employee to reimburse the Program for the cost of the *
* inspection service furnished for time outside the scheduled tour of duty; on *
* days outside the basic workweek; or on any holiday specified in paragraph (b) *
* of this section. *

* (b) Holidays for Federal employees shall be New Year's Day, January 1; *
* Washington's Birthday, the third Monday in February; Memorial Day, the last *
* Monday in May; Independence Day, July 4; Labor Day, the first Monday in *
* September; Columbus Day, the second Monday in October; Veterans' Day, the *
* fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; *
* Christmas Day, December 25. When any of the above-listed holidays falls *
* outside the basic workweek, the nearest workday within that week shall become *
* a holiday. *

* §307.6 Basis of billing for overtime and holiday services.

* (a) Each recipient of overtime or holiday inspection service, or both,
* shall be billed, at the rate established in § 307.5(a), in increments of
* quarter hours. For billing purposes, 8 or more minutes shall be considered a
* full quarter hour. Billing will be for each quarter hour service rendered by
* each Program employee.

* (b) Official establishments, importers, or exporters requesting and
* receiving the services of a Program employee after he has completed his day's
* assignment and left the premises, or called back to duty during any overtime
* or holiday period, shall be billed for a minimum of 2 hours overtime or
* holiday inspection service at the established rate.

* (c) Bills are payable upon receipt and become delinquent 30 days from the
* date of the bill. Overtime or holiday inspection will not be performed for
* anyone having a delinquent account.

(3) The name and place of business of the manufacturer, packer, or distributor for whom the product is prepared, as prescribed in paragraph (g) of this section;

(4) An accurate statement of the net quantity of contents, as prescribed in paragraph (h) of this section;

(5) An official inspection legend and, except as otherwise provided in paragraph (i) of this section, the number of the official establishment, in the form required by Part 312 of this subchapter;

(6) Any other information required by the regulations in this part or Part 319 of this subchapter.

(d) The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part and Part 319 of this subchapter with clarity and conspicuousness and without obscuring of such information by designs or vignettes or crowding. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The principal display panel shall be:

(1) In the case of a rectangular package, one entire side, the area of which is at least the product of the height times the width of that side.

(2) In the case of a cylindrical or nearly cylindrical container:

(i) An area that is 40 percent of the product of the height of the container times the circumference of the container, or (ii) a panel, the width of which is one-third of the circumference and the height of which is as high as the container: Provided, however, That if there is immediately to the right or left of such principal display panel, a panel which has a width not greater than 20 percent of the circumference and a height as high as the container, and which is reserved for information prescribed in subparagraphs (c)(2), (3), and (5), such panel shall be known as the "20 percent panel" and such information may be shown on that panel in lieu of showing it on the principal display panel, as provided in subparagraphs (f)(3), (g)(2), and (i)(8) and (9).

(3) In the case of a container of any other shape, 40 percent of the total surface of the container.

(e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to such preparation. The unqualified terms "meat," "meat byproduct," "meat food product," and terms common to the meat industry but not common to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Administrator in order to assure that the label will not be false or misleading.

(f) (1) The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this paragraph.

(i) The term "flavorings" may be used to designate natural spices, essential oils, oleoresins and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.

(ii) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

(iii) The term "animal and vegetable fats" or "vegetable and animal fats" may be used to designate the ingredients of mixtures of such edible fats in product designated "compound" or "shortening." "Animal fats" as used herein means fat derived from inspected and passed cattle, sheep, swine, or goats.

(iv) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.

(v) When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials: Provided, That the word "and" in lieu of a comma shall be shown between the

* declaration of such meat ingredients in the statement of ingredients; and *
* provided further, that July 1, 1976, the term "30 percent" referred to in this *
* paragraph shall be "10 percent" with respect to pork. *

(2) On containers of frozen dinners, entrees, pizzas, and similar consumer packaged products in cartons the ingredient statement may be placed on the front riser panel: Provided, That the words "see ingredients" followed immediately by an arrow is placed on the principal display panel immediately above the location of such statement without intervening print or designs.

(3) The ingredient statement may be placed on the 20 percent panel adjacent to the principal display panel and reserved for required information, in the case of a cylindrical or nearly cylindrical container.

(g) (1) The name of the person that prepared the product or the name of the operator of the official establishment where the product is prepared by a subsidiary or tenant of the operator may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for * * *" or "Distributed by * * *." The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal ZIP code when such business is listed in a telephone or city directory; and if not listed in such directory then the place of business shall be shown by street address, city, State, and postal ZIP code.

(2) The name and place of business of the manufacturer, packer, or distributor may be shown:

(i) On the principal display panel or

(ii) On the 20 percent panel and adjacent to the principal display panel and reserved for required information, in the case of a cylindrical or nearly cylindrical container, or

(iii) On the front riser panel of frozen food cartons.

§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

§ 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of Program employees, receipt of gifts by Program employees, and forcible assaults on, or other interference with, Program employees while engaged in, or on account of, the performance of their official duties under the Act.

PART 330-[RESERVED]

PART 331-SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES;
AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH
AND FOR SUCH DESIGNATED ESTABLISHMENTS

AUTHORITY: The provisions of this Part 331 issued under secs. 21, 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

SOURCE: The provisions of this Part 331 appear at 35 F.R. 1967, Dec. 29, 1970, unless otherwise noted.

§ 331.1 Definition of "State".

For purposes of this Part, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.

§ 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

Effective date of application
of Federal provisions

Colorado.....	July 1, 1975
* Connecticut.....	October 1, 1975
Guam.....	January 21, 1972

*

Kentucky.....	January 14, 1972	
Minnesota.....	May 16, 1971	
Missouri.....	August 18, 1972	
Montana.....	April 27, 1971	
Nebraska.....	October 1, 1971	
Nevada.....	July 1, 1973	
New Jersey.....	July 1, 1975	
New York.....	July 16, 1975	
North Dakota.....	June 22, 1970	
Oregon.....	July 1, 1972	
Pennsylvania.....	July 17, 1972	
Puerto Rico.....	June 18, 1971	
* Tennessee.....	October 1, 1975	*
Virgin Islands.....	November 27, 1971	
Washington.....	June 1, 1973	

§ 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

The provisions of the regulations in this subchapter apply to operations and transactions wholly within each State designated in § 331.2 under paragraph 301(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 302.1(a)(2) of this subchapter, shall obtain approval of plant drawings as specified in § 304.2 of this subchapter within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 305.2 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter, except that existing interconnections between official and unofficial establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of this subchapter. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible product does not enter the official establishment contrary to the regulations in this subchapter.

(c) Section 308.4 of this subchapter shall apply to such establishments, except that separate toilet rooms for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage, provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house

drainage lines to a point outside the buildings will not be required in existing construction when positive acting back-flow devices are installed.

(d) Section 314.2 of this subchapter shall apply to such establishments, except that a separate room or compartment need not be provided for inedible products if they can be handled so that they do not create insanitary conditions in any room or compartment used for edible products or otherwise render any edible products adulterated and do not interfere with the conduct of inspection. For example, intestines, paunch contents, feet, and hides might be accumulated on the kill floor in clean, watertight drums with close fitting covers if there is sufficient space to store them out of the way until the close of the day's operation.

(e) Sections 316.7, 317.3, and 317.4 of this subchapter shall apply to such establishments, except as provided in this paragraph (e).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the circuit supervisor of the circuit in which the establishment is located. Temporary approval, pending formal approval under §§ 316.7, 317.3, and 317.4 of this subchapter, will be granted by the circuit supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by paragraph 1(n) of the Act.

(2) The circuit supervisor will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the Washington, D.C. office of the Labels and Packaging Staff and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the circuit supervisor (showing any modifications required by the circuit supervisor) to the Labels and Packaging Staff, Meat and Poultry Inspection, Animal and Plant Health Inspection Service, USDA, Washington, D.C. 20250, accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the circuit supervisor must receive approval as required by §§ 316.7, 317.3, and 317.4, of this subchapter or their use must be discontinued.

(4) The circuit supervisor will also review all shipping containers to insure that they do not have any false or misleading labeling and are otherwise not misbranded. Modifications of unacceptable information on labeling material by the use of self-destructive pressure sensitive tape or by blocking out with an ink stamp will be authorized on a temporary basis to permit the maximum allowable use of all labeling materials on hand. All unacceptable labeling material which is not modified to comply with the requirements of this subchapter must be destroyed or removed from the official establishment.

(f) Sections 320.1, 320.2, 320.3, 320.4, 320.5, 325.20, and 325.21 apply to operations and transactions not in or for commerce in a State designated under paragraph 301(c) only if the State is also designated under section 205 of the Act and if such provisions are applicable as shown in § 331.6 of this part.

(g) Paragraph 321.1(a) of this subchapter will not apply to States designated under paragraph 301(c) of the Act.

(h) Parts 322 and 327 and §§ 325.3 and 325.12 of this subchapter relating to exports and imports do not apply to operations and transactions solely in or for intrastate commerce.

(i) Part 325 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter and to operations and transactions solely in or for intrastate commerce, except as provided in paragraphs (h) and (j) of this section.

(j) Sections 325.4, 325.15, and 325.1(b) of this subchapter will not apply to require a certificate, or evidence thereof, for the distribution solely within any designated State of products that are U.S. inspected and passed and so marked.

§ 331.4 Control and disposal of nonfederally inspected products in States designated under paragraph 301(c) of the Act.

Upon the effective date of designation of a State under paragraph 301(c) of the Act, no products can be prepared within the State unless they are prepared under inspection pursuant to the regulations in this subchapter or are exempted from the requirement of inspection under § 303.1 of this subchapter, and no unexempted products which were prepared without any inspection can lawfully be distributed within the State. For a period of 90 days from the effective date of such designation, products which were prepared and inspected and passed under the supervision of a responsible State or local inspection agency can be distributed solely within the State, provided they are not adulterated or misbranded, except that the official inspection legend is not required. Within the 90-day period, products that have been inspected by the State or local inspection agency may be further prepared and otherwise handled in official establishments required to have inspection under § 302.1(a)(2) of this subchapter or at establishments exempted from the requirements of such inspection under § 303.1 of this subchapter, and may be distributed as provided in this section but otherwise shall be handled in accordance with § 305.4 of this subchapter. Such products shall not bear any [Federal] official inspection legends. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 303.1 of this subchapter.

§ 331.5 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of products; application of regulations.

(a) An establishment preparing products solely for distribution within any State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any meat or meat food product prepared at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance * which may render it injurious to health or make it unfit for human food; or *

(ii) It consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, or unwholesome or otherwise unfit for human food (for example, it was prepared from meat or other ingredients exhibiting spoilage characteristics; or it is, or was prepared from, a carcass affected with a disease transmissible to humans and its condemnation would be required under Part 309 or 310 of the Federal meat inspection regulations (9 CFR Parts 309, 310) at federally inspected establishments; or it is a ready-to-eat pork product which has not been treated to destroy trichinae as prescribed in § 318.10 of this subchapter for products at federally inspected establishments); or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example if insects or vermin are not effectively controlled at the establishments, or insanitary water is used in preparing meat or meat food products for human food); or

(iv) It is, in whole or in part, the product of an animal that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by a Program inspector as one producing adulterated product, which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him ten days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of titles I and IV of the Act as though engaged in commerce.

(3) Thereafter the Program inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with Part 329 of this subchapter: Provided, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

§ 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of Act and Regulations	Classes of Operators	State	Effective Date of Designation	
* Act, 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or pre- paring, freezing, packaging or labeling, any livestock car- casses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, whole- saler or otherwise), transporting or storing any live- stock carcasses or parts or products	Colorado	7-1-75	
		Connecticut	10-1-75	*
		Kentucky	4-18-73	
		Minnesota	1-31-75	
		Missouri	1-31-75	
		Montana	1-31-75	
		Nebraska	1-31-75	
		Nevada	1-31-75	
		New Jersey	7-1-75	
		New York	7-16-75	
		North Dakota	7-23-73	
		Oregon	1-31-75	
		Pennsylvania	5-2-74	
		Tennessee	10-1-75	*
		Washington	1-31-75	

thereof; or (3)
business as a
renderer, or in the
business of buying,
selling, or trans-
porting any dead,
dying, disabled, or
diseased livestock
or parts of carcasses
of any livestock that
died otherwise than
by slaughter.

Act, 203; § 320.5.

*	Persons engaged (not in or for commerce) in business as a meat broker; renderer; animal food manu- facturer; whole- saler or public warehouseman of livestock car- casses, or parts or products thereof; or buying, selling, or transporting any dead, dying, disabled, or diseased live- stock, or parts of carcasses of any such livestock that died otherwise than by slaughter.	Colorado	7-1-75	*
		Connecticut	10-1-75	
		Kentucky	4-18-75	
		Minnesota	1-31-75	
		Missouri	1-31-75	
		Montana	1-31-75	
		Nebraska	1-31-75	
		Nevada	1-31-75	
		New Jersey	7-1-75	
		New York	7-16-75	
		North Dakota	7-23-73	
		Oregon	1-31-75	
		Pennsylvania	5-2-74	
		Tennessee	10-1-75	
		Washington	1-31-75	

* Act, 204; §§ 325.20
and 325.21.

	Persons engaged (not in or for commerce) in the business of buying, selling or transporting any dead, dying, dis- abled or diseased animals, or parts of carcasses of any animals that died otherwise than by slaughter.	Connecticut	10-1-75	*
		Kentucky	4-18-73	
		Minnesota	1-31-75	
		Montana	1-31-75	
		Nevada	1-31-75	
		New Jersey	7-1-75	
		New York	7-16-75	
		North Dakota	7-23-73	
		Oregon	1-31-75	
		Pennsylvania	5-2-74	
		Washington	1-31-75	

PART 335-RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE FEDERAL MEAT INSPECTION ACT

AUTHORITY: The provisions of this Part 335 issued under Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 F.R. 28464, 28477.

Subpart A - General

§ 335.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 335.2 Definitions.

As used in this part, the terms as defined in section 1 of the Act (21 U.S.C. 601) shall apply with equal force and effect. In addition and except as may be provided otherwise in this part:

(a) "Act" means the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.).

(b) "regulations" means the regulations promulgated pursuant to the Act (9 CFR 301.1 et seq.).

(c) "hearing" means that part of the proceeding which involves the submission of evidence and means either an oral or written hearing.

(d) "moving paper" means any formal complaint or other document by virtue of which a proceeding under the Act is instituted.

(e) "complainant" means the party upon whose moving paper the proceeding is instituted.

(f) "respondent" means the party proceeded against.

(g) "Secretary" means the Secretary of Agriculture, United States Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(h) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

(i) "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (the Administrative Procedure Act) and assigned to the proceeding involved.

(j) "Administrator" means the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead in connection with the function involved.

(k) "decision" means the Judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the Judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on proposed findings, conclusions and orders submitted by the parties.

§ 335.3 Scope and applicability of this part.

The rules of practice in this part shall be applicable to the procedure governing proceedings and summary action for the refusal, withdrawal or suspension of inspection service with respect to any applicant or recipient of such service under Title I of the Act.

TITLE 9 - ANIMALS AND ANIMAL PRODUCTS

CHAPTER III - ANIMAL AND PLANT HEALTH INSPECTION SERVICE
(MEAT AND POULTRY INSPECTION)

DEPARTMENT OF AGRICULTURE

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- * (14) [Reserved] *
- * (15) [Reserved] *
- (16) Edible. This term means that an article is intended for use as human food.
- (17) Egg Products Inspection Act. "Egg Products Inspection Act" means the Act so entitled, approved December 29, 1970 (84 Stat. 1620, 21 U.S.C. 1031 et seq.).
- (18) Federal Food, Drug, and Cosmetic Act. "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts amendatory thereof or supplementary thereto (21 U.S.C. 301 et seq.).
- (19) Federal Meat Inspection Act. "Federal Meat Inspection Act" means the Act so entitled, approved March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584 (21 U.S.C. 601 et seq.).
- (20) Free from protruding pinfeathers. "Free from protruding pinfeathers" means that the carcass is free from protruding pinfeathers which are visible to an inspector during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast), and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.
- (21) Giblets. "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: Provided, That each such organ has been properly trimmed and washed.
- (22) Immediate container. "Immediate container" includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.
- (23) Inedible. This term means any carcass or any part of a carcass that is either naturally inedible by humans or is rendered unfit for human food by reason of adulteration or denaturing.
- (24) Inspected for wholesomeness. This term means that the poultry product so identified has been inspected and was found at the time of such inspection to be not adulterated.
- (25) Inspection. "Inspection" means any inspection required by the regulations to determine whether any poultry or poultry products comply with the requirements of the Act and the regulations.
- (26) Inspection Service. "Inspection Service" means the organizational unit within the Department having the responsibility for carrying out the provisions of the Act.
- (27) (i) Inspection Service employee. This term refers to any employee of the Inspection Service who is authorized to perform any function under the regulations.

(ii) Inspection Service supervisor. This term refers to any employee of the Inspection Service who is delegated authority to exercise supervision over certain phases of the inspection program at a designated level.¹

(28) (i) Inspector. "Inspector" means (a) an employee or official of the U.S. Government authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, or (b) any employee or official of the government of any State or Territory or the District of Columbia authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, under an agreement entered into between the Administrator and the appropriate State or other agency.

(ii) Inspector in Charge. This term means the inspector primarily responsible for the conduct of inspection at any particular official establishment.

(29) Label. This term applies to any display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article.

(30) Labeling. This term applies to all labels and other written, printed, or graphic matter (i) upon any article or any of its containers or wrappers, or (ii) accompanying such article.

(31) Misbranded. This term applies to any poultry product under one or more of the following circumstances:

(i) If its labeling is false or misleading in any particular;

(ii) If it is offered for sale under the name of another food;

(iii) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(iv) If its container is so made, formed, or filled as to be misleading;

(v) If in a package or other container, unless it bears a label showing:

(a) The name and place of business of the manufacturer, packer, or distributor; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in § 381.121(a) with respect to the quantity of contents;

(vi) If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(vii) If it purports to be or is represented as a food for which a definition and standard of identity or composition is prescribed by the regulations in Subpart P of this part unless:

(a) It conforms to such definition and standard, and

1

Information identifying the employees who have been delegated such authority at various levels may be obtained from an inspector or from the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(viii) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary,¹ and falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(ix) If it is not subject to the provisions of subdivision (vii) of this subparagraph, unless its label bears:

(a) The common or usual name of the food, if any there be, and

(b) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except as otherwise provided in § 381.118(c);

(x) If it purports to be or is represented for special dietary uses, unless the label bears such information concerning its vitamin, mineral, and other dietary properties as is required by § 381.124; *

(xi) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided in § 381.119, or *

(xii) If it fails to bear, directly thereon or on its containers, when required by § 381.123, the official inspection legend and the official establishment number of the establishment where the product was processed; and unrestricted by any of the foregoing; such other information as the Administrator may require in the regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(32) Nonfood compound. This term means any agent proposed for use in official establishments but not intended as an ingredient of a poultry product.

(33) Official establishment. "Official establishment" means any establishment as determined by the Administrator at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained pursuant to the regulations.

(34) Official mark. This term means any symbol prescribed in Subpart M of this part to identify the status of any article or poultry under the Act.

(35) Official inspection legend. This term means the official inspection mark prescribed in § 381.96 or the official poultry identification mark prescribed in § 381.97, showing that an article was inspected for wholesomeness and passed in accordance with the Act.

(36) Official certificate. This term means any certificate prescribed in Subpart M of this part relating to poultry or poultry products.

(37) Official device. This term means any label or other device prescribed in Subpart M of this part for use in applying any official mark.

¹ No such standards are currently in effect. However, § 381.129 prohibits the use of false or misleading containers.

(38) Pesticide chemical, food additive, color additive, raw agricultural commodity. These terms shall have the same meanings for the purposes of the Act and the regulations as under the Federal Food, Drug, and Cosmetic Act.

(39) Potable water. "Potable water" means water that has been approved by the State health authority or other agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

(40) Poultry. "Poultry" means any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead.

(41) (i) Poultry product. This term means any poultry carcass or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting those exempted from definition as a poultry product in § 381.15. Except where the context requires otherwise (e.g., in subparagraph (42) of this paragraph), this term is limited to articles capable of use as human food.

(ii) Poultry food product. This term means any product capable of use as human food which is made in part from any poultry carcass or part thereof, excepting those exempted from definition as a poultry product in § 381.15.

(42) Poultry products broker. "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(43) Process. Process used as a verb means to conduct any operation or combination of operations, whereby poultry is slaughtered, eviscerated, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed. The term "process" does not refer to freezing of poultry products, except when freezing is incidental to operations otherwise classed as "processing" under this paragraph.

* (44) Ready-to-cook poultry. "Ready-to-cook poultry" means any slaugh- *
* tered poultry free from protruding pinfeathers, vestigial feathers (hair or *
down as the case may be) and from which the head, feet, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs have been removed, and with or without the giblets, and which is suitable for cooking without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or other parts of poultry such as reproductive organs, head, or feet that are suitable for cooking without need of further processing.

(45) Regulations. "Regulations" means the provisions of this entire part.

(46) Renderer. "Renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption pursuant to the regulations.

(47) Secretary. "Secretary" means the Secretary of Agriculture of the United States or his delegate.

(48) Shipping container. "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(49) Slaughter. "Slaughter" means the act of killing poultry for human food.

(50) State. Except as otherwise provided in § 381.220 State means any State of the United States and the Commonwealth of Puerto Rico.

decision was correct. Review of such appeal determination, when requested, shall be made by the immediate superior of the employee of the Department making the appeal determination. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of \$9.28 per hour for the time required to make the appeal inspection. The poultry or poultry products involved in any appeal shall be identified by U.S. retained tags and segregated in a manner approved by the inspector pending completion of an appeal inspection.

Subpart G-Facilities for Inspection; Overtime and Holiday Service;
Billing Establishments

§ 381.36 Facilities required.

(a) Inspector's Office. Office space, including, but not being limited to furnishings, light, heat, and janitor service, shall be provided rent free in the official establishment, for the use of Government personnel for official purposes. The room or space set apart for this purpose must meet the approval of the Inspection Service and be conveniently located, properly ventilated, and provided with lockers or file cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing. At the discretion of the Administrator, small plants requiring the services of less than one full-time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location. Each official establishment shall provide commercial laundry service for inspectors' outer work clothing, or disposable outer work garments designed for one-time use, or uniform rental service garments which are laundered by the rental service.

(b) Facilities for ante-mortem inspection. Batteries, coops, or other facilities in which live poultry is presented for ante-mortem inspection shall be of such arrangement and construction, and shall be so placed with sufficient light provided so that the inspector can clearly see the birds to the extent needed to carry out an adequate inspection.

* § 381.37 Schedule of operations. *

* (a) No operations requiring inspection shall be conducted except under *
* the supervision of an Inspection Service employee. All eviscerating of *
* poultry and further processing shall be done with reasonable speed, *
* considering the official establishment's facilities. *

* (b) A shift is a regularly scheduled operating period, exclusive of *
* mealtime. One lunch period is the only official authorized interruption in *
* the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, *
* 45 minutes, or in any case may not exceed one hour in duration. Once *
* established, the lunch period must remain relatively constant as to time and *
* duration. Lunch periods for inspectors shall not, except as provided herein, *
* occur prior to 4 hours after the beginning of scheduled operations nor later *
* than 5 hours after operations begin. In plants where a company rest break *
* of not less than 30 minutes is regularly observed, approximately midpoint *
* between start of work and the lunch period, and the inspector is allowed this *
* time to meet his personal needs, the lunch period may be scheduled as long as *
* 5 1/2 hours after the beginning of scheduled operations. *

* (c) Official establishments, importers, and exporters shall be provided *
* inspection service, without charge, up to 8 consecutive hours per shift during *
* the basic workweek subject to the provisions of § 381.38: Provided, That any *
* additional shifts meet requirements as determined by the Administrator or his *
* designee. The basic workweek shall consist of five consecutive 8-hour days *
* Monday through Friday, excluding the lunch period; except those plants *
* presently operating on an approved Tuesday through Saturday schedule shall *
* continue on this schedule until such time as a change in ownership occurs, or *
* they request and are granted a Monday through Friday work schedule; and *
* further, except in the designation of State programs, the Department may depart *
* from the Monday to Friday workweek in those cases where it would seriously *
* handicap the Department in carrying out its function. *

* (d) (1) Each official establishment shall submit a work schedule to the *
* area supervisor for approval. In consideration of whether the approval of an *
* establishment work schedule shall be given, the area supervisor shall take in *
* account the efficient and effective use of inspection personnel. The work *
* schedule must specify the workweek, daily clock hours of operation, and lunch *
* periods for all departments of the establishment requiring inspection. *

* (2) For single-shift slaughter plants, the plant operating schedules *
* shall not begin earlier than 4 a.m. nor terminate later than 6 p.m. Any *
* deviation from the approved starting time in excess of one hour shall be in *
* the form of an application for a revised schedule, submitted at least 2 weeks *
* in advance of the beginning of the affected pay period. Deviations not *
* exceeding one hour may be approved by the inspector in charge, with written *
* notice to the designated local representative of the Federal inspectors. *
* Frequent deviations from the normal starting time shall not be approved. *

* (3) For multiple-shift slaughter plants, the plant operating schedule for *
* the first shift shall conform to the requirements for a single-shift plant. *
* Second shifts shall follow first shifts, with no more than a 3-hour break. *
* However, in no case shall the second shift start after 6 p.m. Assignments of *
* Inspection Service employees from one plant to another involving a change from *
* a night shift to a day or single shift, or vice versa, for relief purposes *
* shall be effected only in emergencies, and then only with the approval of the *
* Regional Director or one acting in that capacity. *

* (4) Establishments shall maintain consistent work schedules. Any *
* request by an establishment for a change in its work schedule involving changes *
* in the workweek or an addition or elimination of shifts shall be submitted to *
* the area supervisor at least 2 weeks in advance of the proposed change. *
* Frequent requests for change shall not be approved: Provided, however, minor *
* deviations from a daily operating schedule may be approved by the inspector in *
* charge if such request is received on the day preceding the day of change. *

* (5) Requests for inspection service outside an approved work schedule *
* shall be made as early in the day as possible for overtime work to be performed *
* within that same workday; or made prior to the end of the day's operation when *
* such a request will result in overtime service at the start of the following *
* day: Provided, That an inspector may be recalled to his assignment after the *
* completion of his daily tour of duty under the provisions of § 381.39(b). *

* (e) Ante-mortem and post-mortem inspectors shall be limited to 10 hours *
* post-mortem inspection duty per shift, including company breaks and short *
* emergencies, usually of less than one-half hour duration, where the employee *
* remains on or near their duty stations. The 10 hours do not include meal *
* times or long emergencies, usually greater than one-half hour, where employees *
* are released from their duty stations. In addition, all Inspection Service *

* inspectors, including ante-mortem and post-mortem inspectors shall be limited *
* 12 clock hours total duty per shift, including mealtime, "housebreaks," and *
* emergencies. Inspection Service employees shall be off duty 12 consecutive *
* clock hours between shifts. *

* (f) When one Inspection Service employee is assigned to conduct *
* inspection at an establishment where few poultry are eviscerated or a small *
* quantity of product is further processed or certified (as determined by the *
* Administrator), the Administrator may designate the hours of the day and the *
* days of the week during which those operations requiring inspection may be *
* conducted. *

* § 381.38 Overtime and holiday inspection service. *

* (a) The management of an official establishment, an importer, or an *
* exporter shall pay the Animal and Plant Health Inspection Service \$11.00 per *
* hour per Inspection Service employee to reimburse the Inspection Service for *
* the cost of the inspection service furnished for time outside the scheduled tour *
* of duty; on any day outside the basic workweek; or on any holiday specified in *
* paragraph (b) of this section. *

* (b) Holidays for Federal employees shall be New Year's Day, January 1; *
* Washington's Birthday, the third Monday in February; Memorial Day, the last *
* Monday in May; Independence Day, July 4; Labor Day, the first Monday in *
* September; Columbus Day, the second Monday in October; Veterans' Day, the *
* fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; *
* Christmas Day, December 25. When any of the above-listed holidays falls *
* outside the basic workweek, the nearest workday within that week shall be *
* the holiday. *

* § 381.39 Basis of billing for overtime and holiday services. *

* (a) Each recipient of overtime or holiday inspection service, or both, *
* shall be billed at the rate established in § 381.38(a), in increments of *
* quarter hours. For billing purposes, 8 or more minutes shall be considered a *
* full quarter hour. Billing will be for each quarter hour service rendered by *
* each Inspection Service employee. *

* (b) Official establishments, importers, or exporters requesting and *
* receiving the services of an Inspection Service employee after he has completed *
* his day's assignment and left the premises, or called back to duty during any *
* overtime or holiday period, shall be billed for a minimum of 2 hours overtime *
* or holiday inspection service at the established rate. *

* (c) Bills are payable upon receipt and become delinquent 30 days from the *
* date of the bill. Overtime or holiday inspection will not be performed for *
* anyone having a delinquent account. *

* § 381.40 [Reserved] *

* § 381.41 [Reserved] *

* § 381.42 [Reserved] *

Subpart H-Sanitation

§ 381.45 Minimum standards for sanitation, facilities and operating procedures in official establishments.

The provisions of §§ 381.46 to 381.61, inclusive, shall apply with respect to all official establishments.

§ 381.46 Buildings.

(a) General. The buildings shall be of sound construction and kept in good repair.

(b) Outside openings. (1) The doors, windows, skylights, and other outside openings of the plant, except in receiving rooms and feeding rooms, shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and feeding rooms, shall be so hung as to be close fitting when closed. Doors shall be provided with self-closing devices where necessary to prevent the entry of vermin into processing and storage rooms.

§ 381.47 Rooms and compartments.

(a) General. Rooms or compartments used for edible poultry products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(b) Refuse rooms. A separate refuse room, or other equally adequate facilities, shall be provided in official establishments where accumulations of refuse occur. Refuse rooms shall be entirely separate from other rooms in the establishment, have tight-fitting doors, be properly ventilated, and have adequate drainage and cleanup facilities, and the floors and walls to a height of 6 feet above the floor shall be impervious to moisture, and walls above that height, and ceilings shall be moisture resistant.

(c) Rooms for holding carcasses for further inspection. Rooms or other acceptable facilities in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the establishment may require. These rooms or facilities shall be equipped with hasps for locking.

(d) Coolers and freezers. Coolers and freezers shall be of such size and capacity as are required for compliance with the provisions set forth in § 381.66. Freezing rooms, other than those for plate freezers or liquid freezing, shall have forced air circulation, and freezers and coolers shall be equipped with floor racks, pallets or other means which will assure that the poultry products will not be adulterated.

(e) Rooms for mechanical deboning of raw poultry. Rooms or compartments where mechanical equipment for deboning of raw poultry is operated shall be maintained at 50°F. or less.

(f) Storage and supply rooms. The storage and supply rooms shall be kept in good repair, dry, orderly, and sanitary.

(g) Boiler room. The boiler room shall be a separate room where necessary to prevent dirt and objectionable odors entering from it into any room where dressed poultry or other poultry products are processed, otherwise handled, or stored.

(h) Toilet rooms. Toilet rooms, opening directly into rooms where poultry products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

(i) Lunch rooms. Lunches and snacks shall not be eaten in processing, packing, or supply rooms. If needed, separate rooms or areas shall be provided in establishment where employees eat their lunches.

§ 381.48 Floors, walls, ceilings, etc.

(a) Floors. All floors in rooms where exposed poultry products are processed or handled shall be constructed of, or finished with, materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning, and cannery rooms shall be graded for complete runoff with no standing water.

(b) Walls, posts, partitions, doors. All walls, posts, partitions, and doors in rooms where exposed poultry products are processed or otherwise handled shall be smooth and constructed of materials impervious to moisture to a height of 6 feet above the floor to enable thorough cleaning. All surfaces above this height must be smooth and finished with moisture-resistant material.

(c) Ceilings. Ceilings must be moisture resistant in rooms where exposed poultry products are processed or otherwise handled, and finished and sealed to prevent collection of dirt or dust that might sift through from the floor above or fall from collecting surfaces on equipment or exposed poultry product.

§ 381.49 Drainage and plumbing.

(a) General. There shall be an efficient draining and plumbing system for the plant and premises.

for use and the precautions, if any, necessary in the use of such compound for the purpose intended in poultry processing establishments.

(b) As a prerequisite for approval, any compound which is required to be registered under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act shall be registered and comply with the provisions of that Act. The applicant shall furnish the registration number assigned under the aforesaid Act along with two copies of the label being currently used on the product.

(c) A small sample of the compound (4 to 6 ounces) shall be submitted with the request for approval of its use in poultry processing establishments.

(d) The Administrator will either approve or disapprove the use of a particular compound after a careful evaluation of the data submitted pursuant to paragraph (a) of this section and consideration of any other information that is available pertaining to the compound under consideration.

(e) The Inspection Service is authorized to draw samples of any compound used in any official establishment and make analyses of such compound to determine if the compound conforms to that originally approved and if it is satisfactory for use in official establishments under this section. Whenever the Administrator has reason to believe that a compound may have a deleterious effect on poultry or poultry products, the approval of the particular compound may be suspended, and in such case the processor shall be given an opportunity to show that the compound does not have such effect. After such opportunity has been afforded to the processor, the Administrator shall make a determination as to the effect of the compound on poultry and poultry products and withdraw or reinstate the approval of the compound accordingly. Use of the compound shall not be permitted during the period of suspension.

§ 381.61 Cleanliness and hygiene of official establishment personnel.

(a) No official establishment shall employ, in any department where any poultry product is processed or otherwise handled, any person showing evidence of a communicable disease in a transmissible stage or known to be a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contaminants.

(b) All persons coming in contact with exposed poultry products, or poultry products handling equipment shall wear clean garments and suitable head coverings to prevent hair from falling into poultry products; and shall keep their hands and fingernails clean at all times while thus engaged.

(c) Every person shall wash his hands thoroughly after each use of toilet or change of garments before returning to duties that require the handling of dressed poultry or other poultry products or containers thereof, or poultry product handling equipment.

(d) The use of tobacco in any form, the eating of food, or any other personal habit which may result in adulteration of any poultry product shall not be permitted in any room where exposed dressed poultry or other poultry products are being processed or otherwise handled.

§ 381.65 Operations and procedures, generally.

(a) Operations and procedures involving the processing, other handling, or storing of any poultry product shall be strictly in accord with clean and sanitary practices and shall be conducted in such a manner as will result in sanitary processing, proper inspection, and the production of poultry and poultry products that are not adulterated.

(b) Materials which create any condition that may result in adulteration of poultry products shall not be handled or stored in rooms, compartments, or other places in any official establishment where any poultry product is processed, otherwise handled, or stored.

(c) Poultry shall be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and assure that breathing has stopped prior to scalding. Blood from the killing operation shall be confined to a relatively small area.

* (d) Thawing poultry in water: *

* Ready-to-cook poultry. When frozen ready-to-cook poultry is to be *
thawed in water, the thawing practices and procedures shall be such as will
prevent the product from becoming adulterated by the absorption of moisture and
such poultry shall be thawed by one of the following methods:

* (1) The poultry may be thawed in continuous running tap water of *
sufficient volume and for such limited time as is necessary to thaw such poultry.
The thawing media shall not exceed 70°F. in temperature. Complete thawing is

necessary to permit thorough examination of ready-to-cook poultry prior to any further processing.

- * (2) The practice of placing frozen ready-to-cook poultry into cooking kettles, without prior thawing, is permitted only when a representative sample of the entire lot has been thawed and found to be sound and unadulterated. Thawing may be accomplished in cookers where the water can be heated to enable the cooking process to begin immediately following completion of thawing. Thawing practices and procedures shall result in no net gain in weight over the frozen weight. When whole carcasses or parts are thawed for repackaging as parts, it is not acceptable to recool the parts in slush ice. However, they may be held in tanks of crushed ice with the drains open, pending further processing or packaging. *
- * (3) The poultry may be thawed in recirculated water, maintained at a temperature not in excess of 50°F., for such limited time as is necessary to thaw such poultry. *
- * (e) Cuts for the removal of the viscera shall be limited to those necessary for proper processing operations and inspection. With respect to roaster-style evisceration, opening cuts shall be made in such a manner that the skin between the thighs and rib cage will not be cut or torn open during the drawing operation. No additional cuts shall be made prior to chilling other than those necessary to perform the complete evisceration of the bird. The "bar-cut" method of evisceration may be used only when permitted by the inspector in charge upon his determination that this method can be used at the official establishment without contaminating the poultry. With respect to poultry that is to be opened by the "bar-cut" method, particular care shall be exercised in making transverse cuts so that the thigh areas will not be opened and the flesh at the posterior end of the keel will not be exposed. An occasional bird that is unintentionally opened in the aforesaid areas will be permitted. The type of opening cut is part of the chilling procedure and any change in such cut requires establishing a new procedure under § 381.66. *
- * (f) The area at the junction of the neck with the body of the eviscerated bird shall be positively opened prior to final washing so that water will drain freely from the body cavity and not become trapped in the area between the neck skin and the neck. *
- * (g) Ready-to-cook poultry shall be adequately drained after chilling, to remove ice and free water prior to packaging or packing. *
- * (h) Cut-up poultry shall be processed from chilled carcasses and the parts shall not be rechilled in ice and water or water, but may be temporarily held in containers of crushed ice which are continuously drained pending further processing and packaging. Upon approval by the Administrator, and under such conditions as he may prescribe in specific cases, cut-up poultry may be processed from unchilled eviscerated poultry. Such poultry parts shall not *

be chilled in water and ice, but may be chilled either in ice in continuously drained containers or by immediate entry into a freezer. Such poultry parts shall be chilled as provided in § 381.66 (b)(2).

- * (i) All offal resulting from the evisceration operation shall be removed *
from the official establishment as often as necessary to prevent the
development of an insanitary condition.
- * (j) Containers to be used for packaging other poultry products shall be *
clean, free from substances and odors that would result in adulteration of the
products and of sufficient strength and durability to protect the products
adequately during normal distribution.
- * (k) Paper and other material used for lining barrels or other containers *
in which poultry products are packed shall be of such kinds as do not tear
readily during use but remain intact when moistened by the products. Wooden
containers to be used for packing poultry products shall be fully lined except
when the poultry products to be packed therein are fully wrapped.
- * (l) Protective coverings shall be used for poultry products while they *
are in any official establishment or are being transported between official
establishments, which are adequate to protect the products against
contamination by any foreign substances (including, but not being limited to,
dust, dirt, and insects) considering the means employed in transporting the
products.
- * (m) (1) Detached ova may be collected for human food in the official *
establishment provided it is done in a sanitary manner: Provided, the identity
of such ova with the carcass shall be maintained past the point of inspection
and ova from condemned carcasses shall likewise be condemned and treated as
required in § 381.95: And provided further, That ova for human food are cooled,
packaged, and otherwise handled so as to be fit for human food.
(2) Detached ova harvested for human food may leave the official
establishment only for movement to an egg products processing plant for
processing as allowed in § 59.440 of the regulations (7 CFR 59.440) under the
Egg Products Inspection Act and when moved from the official establishment
shall bear labeling which indicates that the ova were harvested under sanitary
supervision of the Inspection Service.

§ 381.66 Temperatures and chilling and freezing procedures.

- * (a) General. Temperatures and procedures which are necessary for *
chilling and freezing ready-to-cook poultry, including all edible portions
thereof, shall be in accordance with operating procedures which insure the
prompt removal of the animal heat and will preserve the condition and
wholesomeness of the poultry and assure that the products are not adulterated.
A description of the chilling and freezing procedures used at the official
establishment shall be filed with the inspector in charge at the establishment.
- (b) General chilling requirements. (1) All poultry that is slaughtered
and eviscerated in the official establishment shall be chilled immediately
after processing so that the internal temperature is reduced to 40°F. or less,
as provided in subparagraph (2) of this paragraph unless such poultry is to be

(ii) Test samples shall be conditioned in accordance with T.A.P.P.I. Standard T-402. The sample to be tested shall consist of 10 sheets representative of the shipment or lot, and individual sheets within the sample may vary within normal tolerance from the prescribed maximum weight, but the average of the sample (10 sheets) shall not weigh in excess of 30 pounds per standard ream (24" x 36"-500 sheets) except as specified above. The moisture absorption shall not exceed 200 percent of the dry weight of the sample (as conditions in accordance with T.A.P.P.I. Standard T-402) and giblet wrappers (uncreped) shall not exceed the following sizes or equivalents: Chickens and Ducks, 9" x 12", Turkeys, 12" x 14".

* (e) Air chilling. In air chilling ready-to-cook poultry, the internal * temperature of the carcasses shall be reduced to 40°F. or less within 16 hours.

* (f) Freezing. (1) Ready-to-cook poultry which is to be or is labeled * with descriptive terms such as "fresh frozen," "quick frozen" or "frozen fresh" or any other term implying a rapid change from a fresh state to a frozen state shall be placed into a freezer within 48 hours after initial chilling in accordance with paragraph (b) of this section. During this period, if such poultry is not immediately placed into a freezer after chilling and packaging, it shall be held at 36°F. or lower.

* (2) Ready-to-cook poultry shall be frozen in a manner so as to bring the * internal temperature of the birds at the center of the package to 0°F. or below within 72 hours from the time of entering the freezer.

* (3) Upon written request, and under such conditions as may be prescribed * by the Administrator, in specific cases, ready-to-cook poultry which is to be frozen immediately may be moved from the official establishment prior to freezing: Provided, That the plant and freezer are so located and such necessary arrangements are made that the Inspection Service will have access to the freezing room and adequate opportunity to determine compliance with the time and temperature requirements specified in subparagraph (2) of this paragraph.

(4) Warm packaged ready-to-cook poultry which is to be chilled by immediate entry into a freezer within the official establishment shall within 2 hours from time of slaughter be placed in a plate freezer or a freezer with a functioning circulating air system where a temperature of -10°F. or lower is maintained.

(5) Frozen poultry shall be held under conditions which will maintain the product in a solidly frozen state with temperature maintained as constant as possible under good commercial practice.

(6) Immersion or spray freezing equipment shall be constructed of noncorrosive metal or other acceptable material. Compounds used in immersion or spray freezing procedures shall be approved by the Administrator.

Subpart J-Ante-Mortem Inspection

§ 381.70 Ante mortem inspection; when required; extent.

An ante-mortem inspection of poultry shall, where and to the extent considered necessary by the Administrator and under such instructions as he may issue from time to time, be made of poultry on the day of slaughter in any official establishment.

§ 381.71 Condemnation on ante-mortem inspection.

Birds plainly showing on ante-mortem inspection any disease or condition, that under §§ 381.80 to 381.93, inclusive, would cause condemnation of their carcasses on post-mortem inspection, shall be condemned. Birds which on ante-mortem inspection are condemned shall not be dressed, nor shall they be conveyed into any department of the official establishment where poultry products are prepared or held. Poultry which has been condemned on ante-mortem inspection and has been killed or died otherwise shall under the supervision of an inspector of the Inspection Service, be disposed of as provided in § 381.95.

§ 381.72 Segregation of suspects on ante-mortem inspection.

All birds which on ante-mortem inspection do not plainly show, but are suspected of being affected with any disease or condition that under §§ 381.80 to 381.93, inclusive, may cause condemnation in whole or in part on post-mortem inspection, shall be segregated from the other poultry and held for separate slaughter, evisceration, and post-mortem inspection. The inspector shall be notified when such segregated lots are presented for post-mortem inspection and inspection of such birds shall be conducted separately. Such procedure for the correlation of ante-mortem and post-mortem findings by the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

§ 381.73 Quarantine of diseased poultry.

If live poultry, which is affected by any contagious disease which is transmissible to man, is brought into an official establishment, such poultry shall be segregated. The slaughtering of such poultry shall be deferred and the poultry shall be dealt with in one of the following ways:

(a) If it is determined by a veterinary inspector that further handling of the poultry will not create a health hazard, the lot shall be slaughtered separately, subject to ante-mortem and post-mortem inspection pursuant to the regulations.

(b) If it is determined by a veterinary inspector that further handling of the poultry will create a health hazard, such poultry may be released for treatment under the control of an appropriate State or Federal agency. If the circumstances are such that release for treatment is impracticable, a careful bird-by-bird ante-mortem inspection shall be made, and all birds found to be, or which are suspected of being, affected with a contagious disease transmissible to man shall be condemned.

§ 381.74 Poultry suspected of having biological residues.

When any poultry at an official establishment is suspected of having been treated with or exposed to any substance that may impart a biological residue which would make their edible tissues adulterated, they shall, at the option of the operator of the establishment, be processed at the establishment and the carcasses and all parts thereof retained under U.S. Retained tags pending final disposition in accordance with § 381.80 and other provisions in Subpart K, or they shall be slaughtered at the establishment and buried or incinerated in a manner satisfactory to the inspector. Alternatively, such poultry may be returned to the grower if further holding will result in their not being adulterated by reason of any residue. The Inspection Service will notify the other Federal and State agencies concerned of such action. To aid in determining the amount of residue present in the poultry, officials of the Inspection Service may permit the slaughter of any such poultry to collect tissues for analysis of the residue.

§ 381.75 Poultry used for research.

No poultry used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless the operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Inspection Service, or the Veterinary Biologics unit of Veterinary Services, Animal and Plant Health Inspection Service of the Department or the Environmental Protection Agency, or the Food and Drug Administration of the Department of Health, Education, and Welfare, data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such poultry being adulterated, and the Administrator has approved such slaughter.

Subpart K-Post-Mortem Inspection; Disposition of Carcasses and Parts

§ 381.76 Post-mortem inspection; when required; extent.

* A post-mortem inspection shall be made on a bird-by-bird basis on all *
poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any poultry processed in any official establishment, except at the time of post-mortem inspection unless their identity with the rest of the carcass is maintained in a manner satisfactory to the inspector until such inspection is made. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector, except for parts that are not needed for inspection purposes and are not intended for human food and are condemned.

§ 381.777 Carcasses held for further examination.

Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition which might render such carcass or any part thereof adulterated and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 381.78 Condemnation of carcasses and parts; separation of condemned articles.

(a) At the time of any inspection under this subpart each carcass, or any part thereof, which is found to be adulterated shall be condemned, except that any such articles which may be made not adulterated by reprocessing, need not be so condemned if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated.

(b) Except for lots of poultry under paragraph (c) of this section, carcasses and any parts of carcasses that are condemned because of disease shall be kept separate from carcasses and parts of carcasses that are condemned for other causes.

(c) When a lot of poultry suspected of containing biological residues is inspected in an official establishment, all carcasses and any parts of carcasses in such lot which are condemned for disease or other cause shall be kept separate from all other condemned carcasses or parts.

§ 381.79 Passing of carcasses and parts.

Each carcass and all organs and other parts of carcasses which are found to be not adulterated shall be passed for human food.

§ 381.80 General; biological residues.

(a) The carcasses or parts of carcasses of all poultry inspected at an official establishment and found at the time of post-mortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in other sections in this subpart, shall be disposed of in accordance with the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules for each specific disease or conditions and to designate at just what stage a disease process results in an adulterated article, the decision as to the disposal of all carcasses, organs or other parts not specifically covered by the regulations, or by instructions of the Administrator issued pursuant thereto, shall be left to the inspector in

inspector of the Inspection Service. (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishment.)

(a) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat, for a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease through consumption by animals. (Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection by means of pipes, or otherwise, between tanks containing inedible products and those containing edible products.)

(b) Incineration or complete destruction by burning.

(c) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof, of:

(1) Crude carbolic acid,

(2) Kerosene, fuel oil, or used crankcase oil, or

(3) Any phenolic disinfectant conforming to commercial standards CS 70-41 or CS 71-41 which shall be used in at least 2 percent emulsion or solution.

(d) Any other substance or method that the Administrator approves in specific cases, which will denature the poultry product to the extent necessary to accomplish the purposes of this section.

(e) Carcasses and parts of carcasses condemned for biological residue shall be disposed of in accordance with paragraph (b) of this section or by buying under the supervision of an inspector.

Subpart M-Official Marks, Devices, and Certificates; Export Certificates; Certification Procedures

§ 381.96 Wording and form of the official inspection legend.

Except as otherwise provided in this subpart, the official inspection legend required to be used with respect to inspected and passed poultry products shall include wording as follows: "Inspected for wholesomeness by U.S. Department of Agriculture." This wording shall be contained within a circle. The form and arrangement of such wording shall be exactly as indicated in the example in Figure 1, except that the appropriate official establishment number shall be shown, and if the establishment number appears elsewhere on the labeling material in the manner prescribed in § 381.123 (b), it may be omitted from the inspection mark. The administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The official inspection legend, or the approved abbreviation thereof, shall be printed on consumer packages and other immediate containers of inspected and passed poultry products, or on labels to be securely affixed to such containers. Further, such legend or approved

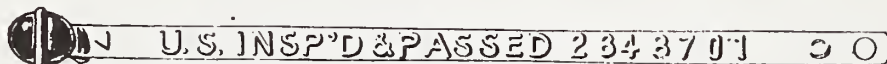
abbreviation thereof, shall be applied to shipping containers of such products and may be printed or stenciled thereon, but shall not be applied by rubber stamping. When applied by a stencil, the legend shall be not less than 4 inches in diameter.



* § 381.97 [Reserved] *

§ 381.98 Official seal.

The official mark for use in sealing means of conveyance used in transporting poultry products under any requirement in this part shall be the inscription and a serial number as shown below, and any seals approved by the Administrator for applying such mark shall be an official device.



§ 381.186 Cooperation of States and other jurisdictions in Federal programs.

Under the "Talmadge-Aiken Act" of September 28, 1962 (7 U.S.C. 450), the Administrator is authorized under stated conditions to utilize employees and facilities of any State in carrying out Federal functions under the Poultry Products Inspection Act. A cooperative program for this purpose is called a Federal-State program. Under paragraph (a) of section 5 of the Poultry Products Inspection Act, the Administrator is also authorized to conduct examinations, investigations, and inspections under the Act through any officer or employee of any State or territory or the District of Columbia commissioned by him for such purpose.

§ 381.187 [Reserved]

Subpart S-Transportation; Exportation; or Sale of Poultry or Poultry Products

§ 381.190 Transactions in slaughtered poultry and other poultry products restricted.

(a) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from any official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with the regulations. *

(b) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any slaughtered poultry or other poultry product which is capable of use as human food and is adulterated or fails to bear an official inspection legend or is otherwise misbranded at the time of such sale, transportation, offer or receipt, except as otherwise provided in Subpart C or T. However, poultry heads and feet which are collected and handled at an official establishment in an acceptable manner may be shipped from the official establishment and in commerce directly for export for further processing as human food, if they have been examined and found to be suitable for such purpose, by an inspector and are labeled as prescribed in this paragraph. The containers of all such products shall bear a label showing: (1) The name of the products; (2) the name and address of the packer or distributor, and, when the name of the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors"; and (3) the official establishment number of the establishment where packed. Such products shall not bear the official inspection legend.

§ 381.191 Distribution of inspected products to small lot buyers.

For the purpose of facilitating the distribution in commerce of inspected poultry products to small lot buyers (such as small restaurants), distributors or jobbers may remove inspected and passed non-consumer-packaged poultry carcasses or consumer-packaged poultry products from shipping containers or immediate containers, other than consumer packages, and place them into other containers which do not bear an official inspection mark: Provided, That the individual non-consumer-packaged carcasses bear the official inspection legend and the official establishment number of the establishment that processed the articles; and the consumer-packaged articles are fully labeled in accordance with Subpart N: And provided further, That the other container is marked with the name and address of the distributor or jobber and bears the statement "The poultry product contained herein was inspected by the U.S.D.A." in the case of poultry products processed in the United States, or the statement "The poultry products contained herein have been approved for importation under P.P.I.A." in the case of imported poultry products.

§ 381.192 Penalties inapplicable to carriers.

No carrier shall be subject to the penalties of the Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of poultry or poultry products, owned by another person, unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such poultry or poultry products were not inspected or marked in accordance with the provisions of the Act or where otherwise not eligible for transportation under the Act, or unless the carrier refuses to furnish on request of a representative of the Secretary, the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.

§ 381.193 Poultry carcasses, etc. not intended for human food.

Poultry carcasses, and parts and products thereof, that are not intended for use as human food may, after they have been denatured as prescribed in § 381.95, be shipped from any official establishment and in commerce even though they do not comply with all the provisions of the regulations, provided they are marked "Not fit for human food." These requirements do not apply to parts of poultry carcasses that are naturally inedible by humans, such as entrails. All such articles, if intended for animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

Subpart T-Imported Poultry Products

§ 381.195 Requirements for importation into United States.

(a) No slaughtered poultry, or parts or products thereof, shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and they also comply with the regulations prescribed in this subpart to assure that they comply with the standards provided for in the Act: Provided, That the provisions of this subpart apply to such articles only if they are capable of use as human food.

(b) Except as provided in § 381.207, slaughtered poultry and other poultry products may be imported only if they were processed solely in countries listed in § 381.196(b). Slaughtered poultry may be imported only
* if it qualifies as ready-to-cook poultry.

*

§ 381.196 Eligibility of foreign countries for importation of poultry products into the United States.

(a) (1) Whenever it shall be determined by the Administrator that the system of poultry inspection maintained by any foreign country, with respect to establishments preparing products in such country for export to the United States, insures compliance of such establishments and their poultry products, with requirements at least equal to all the provisions of the Act and the regulations in this part which are applied to official establishments in the United States, and their poultry products, and that reliance can be placed upon certificates required under this subpart from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, poultry products processed in such establishments which are certified and approved in accordance with subparagraph (3) of this paragraph shall be eligible, so far as the regulations in this part are concerned, for importation into the United States from such foreign country after applicable requirements of this part have been met.

(2) The determination of acceptability of a foreign poultry inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of poultry inspection in the United States with respect to:

(a) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments throughout the system at which poultry products are processed for export to the United States;

(b) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(c) The assignment of competent, qualified inspectors;

(d) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing poultry inspection and to certify or refuse to certify poultry products intended for export;

(e) Adequate administrative and technical support;

(f) Other requirements of adequate inspection service as required by the regulations.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of poultry inspection organized and maintained in the United States with respect to:

(a) Ante-mortem inspection of poultry for slaughter, which shall be performed by veterinarians or by other employees or licensees of the system under the direct supervision of veterinarians;

all the requirements of the Act and the regulations as applied to official establishments in the United States; or that reliance cannot be placed upon certificates required under this subpart from authorities of such foreign country; or that, for lack of current information concerning the system of poultry inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

(b) It has been determined that poultry products from the following countries, covered by foreign poultry inspection certificates of the country of origin as required by § 381.197, are eligible under the regulations in this subpart for importation into the United States, after inspection and marking as required by the applicable provisions of this subpart:¹

Canada.

Hong Kong.

France.

§ 381.197 Imported products; foreign inspection certificates required.

(a) Except as provided in §§ 381.207 and 381.209, each consignment containing any slaughtered poultry or other poultry product consigned to the United States from a foreign country shall be accompanied with a foreign * inspection certificate substantially in the form illustrated in paragraph (b) * of this section.

(b) The form of foreign poultry product inspection certificate shall be as follows:

Foreign Poultry Product Inspection Certificate

Place.....
(City) (Country)
Date.....

I hereby certify that the poultry products herein described were derived from poultry which received ante-mortem and post-mortem inspections at the time of slaughter; and that such poultry products are sound, healthful, wholesome, clean and otherwise fit for human food, and are not adulterated and have not been treated with and do not contain any dye, chemical, preservative, or ingredient not permitted by the regulations governing the inspection of poultry and poultry products of the U.S. Department of Agriculture, filed with me, and that said poultry products have been handled only in a sanitary manner in this country; and are otherwise in compliance with requirements at least equal to those in the Poultry Products Inspection Act and said regulations.

¹ Listing of any country in this section does not relieve the poultry products of such country from applicable requirements under other Federal laws.

Kind of Product

.....
.....
.....
Number of pieces or packages Weight
.....
.....
.....
Identification marks on containers.....
Consignor.....
Address.....
Consignee.....
Destination.....
Shipping marks.....
 (Signature).....
 (Name of official of national foreign
 government authorized to issue inspection
 certificates for poultry products exported
 to the United States)
 (Official title).....

located when so detained, until released by an authorized representative of the Secretary: Provided, That any such article may be moved from the place at which it is located when so detained, for refrigeration or freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary and the article so moved will be further detained by an authorized representative of the Secretary after such movement. When the detention of such article is terminated, the owner, his agent, or the carrier or other person having custody of the article who was notified when the article was detained will receive notification of the termination. The notification "Notice of Termination of Detention" (Form MP-487)¹ shall be served either by delivering the notice to the person originally notified, or by certifying and mailing the notification addressed to such person, at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the representative that the article is eligible to retain such marks.

§ 381.215 Poultry or other articles subject to judicial seizure and condemnation.

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 381.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

- (a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or
- (b) Is capable of use as human food and is adulterated or misbranded; or
- (c) In any other way is in violation of the Act.

§ 381.216 Procedure for judicial seizure, condemnation, and disposition.

Any poultry or other article subject to seizure and condemnation under this subpart is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

§ 381.217 Authority for condemnation or seizure under other provisions of law.

The provisions of this subpart relating to detention, seizure, condemnation and disposition of poultry or other articles do not derogate from authority for retention, condemnation, or seizure conferred by other provisions of the Act, or other laws.

¹ Copy filed with the Office of the Federal Register as part of the original document.

§ 381.218 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

Subpart V-Special Provisions for Designated States and Territories;
Criteria and Procedure for Designating Establishments With
Operations Which Would Clearly Endanger the Public Health;
Disposition of Poultry Products Therein

§ 381.220 Definition of "State".

For purposes of this subpart, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

States	Effective date of application of Federal provisions	
Arkansas.....	Jan. 2, 1971.	
Colorado.....	Jan. 2, 1971.	
* Connecticut.....	Oct. 1, 1975.	*
Georgia.....	Jan. 2, 1971.	
Guam.....	Jan. 21, 1972.	
Idaho.....	Jan. 2, 1971.	
Kentucky.....	July 28, 1971.	
Maine.....	Jan. 2, 1971.	
Michigan.....	Jan. 2, 1971.	
Minnesota.....	Jan. 2, 1971.	
Missouri.....	Aug. 18, 1972.	
Montana.....	Jan. 2, 1971.	
Nebraska.....	July 28, 1971.	
Nevada.....	July 1, 1973.	
New Jersey.....	July 1, 1975.	
North Dakota.....	Jan. 2, 1971.	
Oregon.....	Jan. 2, 1971.	
Pennsylvania.....	Oct. 31, 1971.	
Puerto Rico.....	Jan. 17, 1972.	
South Dakota.....	Jan. 2, 1971.	
* Tennessee.....	Oct. 1, 1975.	*
Utah.....	Jan. 2, 1971.	

Virgin Islands..... Nov. 27, 1971.
Washington..... June 1, 1973.
West Virginia..... Jan. 2, 1971.

misbranded, except that the official inspection legend shall not be used. Such products may not enter official establishments. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 381.10.

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 11 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Paragraphs of act and regulations	Classes of operators	State	Effective date	
* Act, 11(b); §§ 381.175-381.178	Persons engaged (not in or for commerce) in (1) the business of slaughtering any poultry or processing, freezing, packaging, or labeling any poultry carcasses, or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a poultry prod- ucts broker, whole- saler, or otherwise), transporting or storing any poultry carcasses, or parts or products thereof; or (3) business as a renderer or in the business of buying, selling, or trans- porting any dead, dying, disabled, or diseased poultry or parts of carcasses of any poultry that died otherwise than by slaughter.	Colorado	7-1-75	
		Connecticut	10-1-75	*
		Kentucky	4-18-73	
		Minnesota	1-31-75	
		Missouri	1-31-75	
		Montana	1-31-75	
		Nebraska	1-31-75	
		Nevada	1-31-75	
		New Jersey	7-1-75	
		New York	7-16-75	
		North Dakota	7-23-73	
		Oregon	1-31-75	
		Pennsylvania	5-2-74	
		Tennessee	10-1-75	*
		Washington	1-31-75	
* Act, 11(c); § 381.179	Persons engaged (not in or for commerce) in business as a poultry products	Colorado	7-1-75	
		Connecticut	10-1-75	*
		Kentucky	4-18-73	
		Minnesota	1-31-75	

broker; renderer;	Missouri	1-31-75
animal food manu-	Montana	1-31-75
facturer; whole-	Nebraska	1-31-75
saler or public	Nevada	1-31-75
warehouseman of	New Jersey	7-1-75
poultry carcasses,	New York	7-16-75
or parts or prod-	North Dakota	7-23-73
ucts thereof; or	Oregon	1-31-75
buying, selling,	Pennsylvania	5-2-74
or transporting	Tennessee	10-1-75
dead, dying,	Washington	1-31-75
disabled, or		
diseased poul-		
try or parts of		
carcasses of any		
poultry that died		
otherwise than by		
slaughter.		

*

*

Act, 11(d).....

§ 381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

(a) An establishment in any State not listed in § 381.221 that is preparing poultry products solely for distribution within such State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any poultry product processed at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food (for example, it was prepared from a poultry carcass or other ingredients exhibiting spoilage characteristics); or it is, or was prepared from, a poultry carcass which would be required to be condemned under Subpart K at official establishments; or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example, if insects or vermin are not effectively controlled at the establishment, or insanitary water is used in preparing poultry products for human food); or

(iv) It is, in whole or in part, the product of poultry that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and